

SENATE BILL NO. 27

INTRODUCED BY R. JOHNSON, B. STORY, S. MENDENHALL

BY REQUEST OF THE DEPARTMENT OF AGRICULTURE

A BILL FOR AN ACT ENTITLED: "AN ACT PROVIDING THAT ONLY INCOME FROM ACTUAL GAINS AND LOSSES BE TRANSFERRED TO THE NOXIOUS WEED STATE SPECIAL REVENUE FUND; AMENDING SECTIONS 80-7-814 AND 80-7-816, MCA; AND PROVIDING AN IMMEDIATE EFFECTIVE DATE."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

Section 1. Section 80-7-814, MCA, is amended to read:

"80-7-814. Administration and expenditure of funds. (1) (a) Except as provided in subsection (1)(b), money deposited in the noxious weed management trust fund may not be committed or expended until the principal reaches \$2.5 million, except in case of a noxious weed emergency as provided in 80-7-815. Once this amount is accumulated, interest or revenue generated by the trust fund and by other funding measures provided by this part, excluding unrealized gains and losses, must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section, as long as the principal of the trust fund remains at least \$2.5 million.

(b) Money deposited as principal in the trust fund from [former 80-7-822] may not be expended until the principal of the trust fund reaches \$10 million. However, interest or revenue generated by the trust fund, excluding unrealized gains and losses, must be deposited in the special revenue fund and may be expended for noxious weed management projects in accordance with this section.

(2) The department may expend funds under this section through grants or contracts to communities, weed control districts, or other entities that it considers appropriate for noxious weed management projects. A project is eligible to receive funds only if the county in which the project occurs has funded its own weed management program with a levy in an amount not less than 1.6 mills or an equivalent amount from another source or by an amount of not less than \$100,000 for first-class counties, as defined in 7-1-2111.

(3) The department may expend funds without the restrictions specified in subsection (2) for the following:

(a) employment of a new and innovative noxious weed management project or the development,

1 implementation, or demonstration of any noxious weed management project that may be proposed,
2 implemented, or established by local, state, or national organizations, whether public or private. The
3 expenditures must be on a cost-share basis with the organizations.

4 (b) cost-share noxious weed management programs with local weed control districts;

5 (c) special grants to local weed control districts to eradicate or contain significant noxious weeds newly
6 introduced into the county. These grants may be issued without matching funds from the district.

7 (d) administrative expenses of the department for managing the noxious weed management program
8 and other provisions of this part. The cost of administering the program may not exceed 12% of the total program
9 expenses.

10 (e) administrative expenses incurred by the noxious weed management advisory council;

11 (f) a project recommended by the noxious weed management advisory council, if the department
12 determines that the project will significantly contribute to the management of noxious weeds within the state; and

13 (g) grants to the agricultural experiment station and the cooperative extension service for crop weed
14 management research, evaluation, and education.

15 (4) The agricultural experiment station and cooperative extension service shall submit annual reports
16 on current projects and future plans to the noxious weed management advisory council.

17 (5) In making expenditures under subsections (2) and (3), the department shall give preference to weed
18 control districts and community groups.

19 (6) If the noxious weed management trust fund is terminated by law, the money in the fund must be
20 divided between all counties according to rules adopted by the department for that purpose."

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22 **Section 2.** Section 80-7-816, MCA, is amended to read:

23 **"80-7-816. Account -- deposit -- investment.** (1) There is a noxious weed account in the state special
24 revenue fund established in 17-2-102. The interest from the noxious weed management trust fund and the funds
25 directed to be deposited as provided in 80-7-823, excluding unrealized gains and losses, must be deposited in
26 the account and must be expended as provided in 80-7-705 and 80-7-814.

27 (2) The department may direct the board of investments to invest the funds collected under subsection
28 (1) pursuant to the provisions of 17-6-201. The income from the investments must be credited to the account
29 in the state special revenue fund."
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